

VZCZCXRO7536  
PP RUEHMA RUEHPA  
DE RUEHCO #0417 1971816  
ZNR UUUUU ZZH  
P 151816Z JUL 08  
FM AMEMBASSY COTONOU  
TO RUEHC/SECSTATE WASHDC PRIORITY 0429  
INFO RUEHZK/ECOWAS COLLECTIVE  
RUEHFR/AMEMBASSY PARIS 1285  
RUEHLO/AMEMBASSY LONDON 0356

UNCLAS COTONOU 000417

SENSITIVE  
SIPDIS

DEPT FOR AF/W DBANKS  
LONDON FOR PETER LORD

E.O. 12958: N/A

TAGS: [PGOVPRELPINRBN](#)

SUBJECT: CONSTITUTIONAL COURT NULLIFIES PRESIDENTIAL MEDIATION BODY  
AND NATIONAL ASSEMBLY BLOCKS A GOB "FIX-IT"

¶1. (U) SUMMARY: On May 26, 2008 the Constitutional Court nullified the Presidential Mediation Entity (OPM) that President Yayi created on August 25, 2006 by a presidential decree to mediate conflicts between citizens and the public administration. The Constitutional Court declared that the OPM was inconsistent with the constitution. The OPM headed by Albert Tevoedjre, a politician and one of President Yayi's mentors, continues to operate. He cites a new GOB bill introduced in the National Assembly that is designed to address the Court's ruling and legalize the OPM. END SUMMARY.

¶2. (U) The Constitutional Court's May 2008 ruling said that the tasks assigned to the OPM by the presidential decree fall under the Constitutional Court's responsibilities, namely arbitration and conciliation. The ruling also provided that the OPM is an administrative body and has financial autonomy while the Constitution stipulates that any administrative entity should be created only by law. In addition, the Constitutional Court pointed out that OPM's management would not be audited as any administrative entity because it has financial autonomy. On the ground of these arguments, the Constitutional Court nullified the presidential decree supporting the OPM and declared that the OPM is inconsistent with the constitution. Former president Kerekou had introduced a bill in the National Assembly to create a mediation entity. When President Yayi took office, he retracted that bill and issued the disputed decree.

¶3. (U) Albert Tevoejre, appointed by President Yayi as the OPM Mediator argued that the OPM was not illegal since the government issued a new decree on March 28, 2008, cancelling the August 2006 decree that the Constitutional Court nullified on May 26, 2008. In fact, the March 28, 2008 decree just provided more details on the functioning of the OPM but still defined it as an entity with public administration prerogatives. The OPM has been expected to close pursuant to the Constitutional Court's decision, but the GOB has introduced a bill to legitimize the OPM.

¶4. (SBU) Although the OPM debate has legal ramifications there are political implications since Tevoedjre, the Mediator, is a political operative and a very influential member of President Yayi's political inner circle. No doubt the opposition had its hand in the appeals filed against the OPM and has accused President Yayi of creating the OPM to reward Tevoedjre.

¶5. (SBU) BEGIN BIOGRAPHIC NOTES: Albert Tevoedjre is a former professor of political science. He was an active leader of the Federation of African Students in France in the late 1950's. After he served as Secretary of State in the office of the presidency in Benin, he joined the International Labor Organization (ILO) in which he held leading positions until 1985. He participated in the 1990 National Conference as Rapporteur General; and during the transition to democracy, he served as a member of the High Council, the legislative body. Tevoedjre created a political party and ran third in the 1991 presidential elections. He served two terms as a National Deputy. Tevoedjre was the chairman of Kerekou's re-election

committee during the March 1996 campaign. When Kerekou came back to power, he appointed him Minister of Planning. In 2003 the UN Secretary General appointed him Special Envoy for Cote d'Ivoire. In early 2005, Tevoedjre returned to the Beninese political scene advancing and supporting Boni Yayi's candidacy ahead of the March 2006 presidential elections. END BIOGRAPHIC NOTES.

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